

Response

The claims were amended in accordance with the amendments above. The amendments to the claims are being made to focus the claims on those aspects of the invention which are a commercial priority of the assignee. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

In particular, Applicants note that the present amendments to claims 37, 45, and 53 are supported by, but not necessarily limited in scope by, the disclosure of paragraphs [0012], [0023], and [0026], among others, in the present specification as originally filed. The present amendments to claims 38 and 46 are supported by, but not necessarily limited in scope by, the disclosure of paragraphs [0016]-[0018] and [0025]-[0028], among others, in the present specification as originally filed. Newly added claim 54 is supported by, but not necessarily limited in scope by, the disclosure of paragraphs [0018] and [0028]-[0030], among others, in the present specification as originally filed. Newly added claim 55 is supported by, but not necessarily limited in scope by, the disclosure of paragraphs [0033], [0038], and [0040]-[0043], among others, in the present specification as originally filed. Newly added claim 56 is supported by, but not necessarily limited in scope by, the disclosure of paragraph [0011], among others, in the present specification as originally filed.

Applicants appreciate the courtesies extended during the telephonic interview with the Examiner on 12/06/2005. The claims were amended as discussed in the interview. Applicants appreciate the Examiner's indication during the interview that the present amendments would appear to overcome the rejections in the pending Office Action. The Applicants acknowledge, however, that the Examiner reserved the right to supplement her search.

In the Office Action dated 07/08/2005, claims 45-53 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter for the claimed methods failing to produce a tangible result. Independent claims 45 and 53 have each been amended herein to recite an act of displaying the first frame and the second frame in a web page at the user computer. Applicants appreciate the Examiner's indication in the Office Action that similar language in claim 37

introduced a tangible result to the method steps, and respectfully submit that such language being added to claims 45 and 53 obviates the §101 rejection. Accordingly, Applicants request that the rejection be withdrawn.

Claim 53 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the limitation “the consistent page domain security requirement” having insufficient antecedent basis. Claim 53 has been amended herein to change the term “the” in that limitation to an “a,” such that the limitation now reads as “a consistent page domain security requirement.” Applicants submit that this amendment obviates the §112 rejection, and therefore respectfully request that the rejection be withdrawn.

Claims 37-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brandt et al. (US 2002/0130895) in view of Jawahar et al. (US 6,256,620). Applicants note that under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the limitations of a claim. A *prima facie* case of obviousness also requires that there be some teaching, suggestion, or motivation to modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP 2143.01. In view of the foregoing, and for at least the reasons set forth below, Applicants respectfully submit that the combined art of record fails to render present claims 37-53 obvious.

With respect to presently amended independent claims 37, 45, and 53, Applicants note that each of these claims recites, among other things, a combination of a first frame and second frame being displayed in a single web page at an end-user computer, where an automated help session is provided to the end-user by an automated agent through the second frame. These combined limitations, among others recited in claim 37, 45, and 53, are neither taught nor suggested by the combination of Brandt et al. and Jawahar et al. Applicants therefore submit that the combined art of record fails to teach or suggest all of the limitations recited in each of claims 37, 45, and 53 in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit

that the combined art of record fails to render each of claims 37, 45, and 53 obvious in accordance with MPEP 2143, and respectfully request that the rejection be withdrawn.

Furthermore, even if the combined art of record taught or suggested all of the elements of any of the amended independent claims, the art is devoid of any suggestion or motivation to modify or combine the teachings of the references in order to obtain the claimed invention. Indeed, MPEP 2143.01 admonishes that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” (emphasis in original). Because the motivation required by MPEP 2143.01 is lacking, Applicants respectfully requests that the rejections be withdrawn.

To further demonstrate the absence of a motivation to combine or modify, Applicants note that the art cited in the present Office Action teaches away from the combinations presently claimed. It is well settled that it is improper to combine references where the references teach away from their combination. MPEP 2145. Furthermore, the prior art must also be considered in its entirety, such that portions of the art that teach away from a claimed combination must be considered in determining whether the claimed combination is obvious. MPEP 2141.02.

With respect to Brandt et al., Applicants note the significance the reference places on the simultaneous provision of a web page and a help session “without replacing any part of the web page.” (Brandt et al. at paragraph [0009]). Brandt et al. addresses this issue by providing a help session through a window that is separate from the window through which the web page is provided. Brandt et al. therefore teaches away from providing web page content and a help session in the same web page. By contrast, each of the present amended claims recites a single web page having first and second frames, with the help session being provided through one of these frames. Applicants submit that the help session frame recited in the presently amended claims constitutes “part of the web page” as mentioned by Brandt et al. in paragraph [0009]. In view of the foregoing, Applicants submit that Brandt et al. teaches away from the combinations presently claimed. Accordingly, under MPEP 2145, Brandt et al. is not an appropriate reference to combine with other references of record to formulate an obviousness rejection. Furthermore, under 2141.02, the teaching away by Brandt et al. cannot be ignored even if other references in


combination teach the limitations recited in the presently amended claims. Ultimately, the motivation to combine or modify the teachings of the references to obtain the presently claimed combinations as required by MPEP 2143.01 is lacking.

While several distinctions have been noted over the art of record, Applicants note that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. Thus, no silence on the part of Applicants as to any issue should be construed as an admission or an acquiescence to statements made by the Office in any Office Action. Applicants thus reserve all rights and arguments with respect to distinctions not explicitly noted herein. Furthermore, Applicants note that the distinctions made explicitly herein are being made with respect to the present claims only. Accordingly, the present arguments are not intended to be necessarily applicable to claims in other applications, or future claims in the present application, and therefore the present arguments should not be assumed to apply to any claims that are not listed explicitly herein.

In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicants traverse the rejections and preserve all rights and arguments. Applicants further note that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or remarks made herein, Applicant invites the Examiner to contact the undersigned via telephone at (513) 369-4811 or via e-mail at aulmer@fbtlaw.com.

Respectfully Submitted,



Andrew B. Ulmer (Reg. No. 57,003)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 369-4811
aulmer@fbtlaw.com

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